

**REMARKS:**

Claims 1-5, 8-14, 17-23, and 25

The examiner rejected claims 1-5, 8-14, 17-23, and 25 under 35 USC 103(a) as being unpatentable over Janonis in view of Tassitino (5633539) and Weinstein (5939799). Although no reference is given for the Janonis citation, the applicant assumes the examiner is referring to the previously cited Janonis reference: US 5,612,580. If this is incorrect the applicant respectfully requests that the examiner correct this omission in a new non-final action. The examiner admits that neither Janonis nor Tassitino disclose a UPS where the DC bus voltage is measured. The examiner argues that Weinstein discloses a DC bus voltage measurement and that "it would have been obvious to one skilled in the art to combine the AC voltage detecting UPS systems disclosed in Janonis and Tassitino with the DC voltage detecting UPS disclosed in Weinstein in order to detect a failure of the AC/DC converter."

The combination of Janonis in view of Tassitino and Weinstein suggested by the examiner would destroy the functionality of Janonis and is therefore not obvious. The device of Janonis operates by measuring the amplitude and the frequency of the AC input signal. These values are then compared with a threshold and if they exceed the threshold (or are below the lower threshold) the device of Janonis determines that the AC power source is inadequate and switches to the alternate power source. (See Col. 3 Lines 29-35). Since Janonis can only operate by comparing an AC amplitude or a frequency against a threshold, and DC power sources do not have an amplitude or a frequency, as they are not waves, use of a measurement of the DC voltage drop across the AC/DC converter (as taught in Weinstein) in lieu of the AC measurement would destroy the functionality of the Janonis device.

Claims 1, 10, 18, and 21 of the present application requires the DC Bus measurement to be compared to a first and second threshold and only when it drops below a threshold will the controller take the appropriate action. Since the combination of Janonis in view of Tassitino and Weinstein would destroy the functionality of Janonis the material of claim 1, 10, 18, and 21, can not be obvious over it. Since independent claims 1, 10, 18, and 21 are not obvious over the cited combination neither are their dependant claims 2-5, 8-9, 11-14, 17, 19-20, 22-23, and 25.

Claims 6-7, 15-16, and 24

The examiner additionally rejected claims 6-7, 15-16, and 24 under 35 USC 103(a) as being unpatentable over Janonis in view of Tassitino, Weinstein, and Faria (6295215). As described above the combination of Janonis in view of Tassitino and Weinstein would destroy the functionality of Janonis and therefore not be obvious. The addition of Faria does not cure this defect and therefore would not be obvious under 103(a) either.

In light of the above arguments Claims 1-25 are patentable over Janonis in view of Tassitino and Weinstein, and patentable over Janonis in view of Tassitino, Weinstein, and Faria.

If any fees are ever due, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,  
**CARLSON, GASKEY & OLDS**

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